

REMARKS

Applicants have amended claims 1 and 14. New claims 16-27 were added. Support for amendments and new claims may be found in various sections of the specification. See, e.g., Fig.1, p. 4, lines 7 – 12; p. 4, line 27 – p. 5, line 10; p. 5, lines 15-28. Claims 1-27 are pending in the application.

Applicants submit a new set of formal drawings together with previously submitted Figures 1 and 4 marked in red to indicate corrections thereto. Figure 1 was amended by including numeric identifier “23” to identify a cavity in which a pasta product is contained. Figure 4 was amended by replacing numeric identifier “39” with “38” to identify a protrusion. These amendments are consistent with the specification. See, e.g., p. 4, lines 3-4 (cavity 23); p. 5, lines 22-26; Figures 2 and 3 (protrusion 38). A separate letter requesting approval of the drawing corrections is also enclosed. Applicants respectfully submit that the claims, as amended, are patentably distinguishable over the cited references. Reconsideration and allowance of this application are respectfully requested.

I. REJECTION UNDER 35 U.S.C. §103(a)

A. The Office Action Rejections

In pages 2-4 of the Office action, independent claims 1 and 14 and respective dependent claims 2-13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over EP 449,643 to Natt et al. (Natt), in view of U.S. Patent No. 4,803,088 to Yamamoto et al. (Yamamoto) further in view of GB 2343438 to Singleton (Singleton), JP 2001-61648 to Tokunga (Tokunga), JP 2001-48248 to Ono et al (Ono), JP 9-254948 to Taniguchi (Taniguchi), JP 10-72068 to Otawra (Otwara), JP 8-324653 to Nishioka (Nishioka), JP 11-332738 to Matsuno et al (Matsuno) and U.S. Patent No. 5,876,811 to Blackwell et al. (Blackwell).

The Applicants respectfully traverse the rejection. To expedite prosecution of the application, however, Applicants offer the above amendments to claims 1 and 14 and the following remarks.

B. Claims 1-15 and New Claims 16-27 are Patentable over the Natt Patent in View of the Yamamoto, Singleton, Tokunga, Ono, Taniguchi, Otawara, Nishioka, Matsuno and Blackwell References.

The subject application is generally directed to a microwaveable pasta product and method in which water can be added directly to the pasta product for cooking. The product includes a dried pasta

product and a microwaveable container. The microwaveable container includes a single bowl having a generally-ovular bottom. In other words, the microwave container does not have multiple trays, bowls or other sections or divisions. The bowl also has a circumference and a generally-ovular outer wall in generally-perpendicular relation to the circumference of the generally-ovular bottom. The bottom and outer wall together define a cavity. Dried pasta product is contained in the cavity. The outer wall is formed from two generally curved sidewalls and two generally straight end walls. The end walls are shorter than the side walls. The outer wall includes a generally rounded corner and two generally straight sections. The generally rounded corner joins the outer wall to the bottom. A first generally straight section extends outwardly from the rounded corner, forming an obtuse angle α with the bottom. A second generally straight region extends outwardly from the first bottom region 32 at an obtuse angle β with the first straight section. The angle β is greater than the angle α . For example, the angle α can be from about 110° to about 130° , and the angle β can be from about 150° to about 170° . In use, the dried pasta product and water in the single container without the top are heated by the microwave to cook the pasta product. During cooking, the generally-ovular geometry of the dish contains uniformly heats the pasta in the corners and center of the product mass, while maintaining a full appearance after preparation. The ovular bottom and wall accommodate foam expansion that occurs during microwave cooking, while the volume of the dish is reduced or minimized so that the product is portable while also providing an appearance of a full bowl.

The Natt patent describes a product having two nested bowls or containers. A smaller, inner container divides the interior into two chambers. A larger, lower bowl 17 is generally circular or elliptical in plan and includes a rim 18 with widened sections. (See Natt, col. 5, lines 45-47). An inner edge of the widened rim portion has recesses 5 and 6 for engaging complementary widened rim portions 10 and 11 of the smaller, inner bowl 9. (See Natt, col. 4, lines 18-20). The undersides of the widened portions 3 and 4 include arcuate ribs, which appear from above as arcuate grooves 7 and 8. Walls of the bowl are generally arcuate. (See Natt, Figures 1 and 2). The Natt patent explains that it is preferred that the inner container does not contain substantially carbohydrate-based foods, such as cooked dehydrated pasta. Rather, such carbohydrate-based foods are preferably contained in the larger, outer container. (See Natt, col. 2, lines 33-40). When heated, the contents of the smaller, inner bowl are heated by both microwave radiation and by heat transfer from boiling water in the outer bowl beneath the inner bowl for the purposes of heating the contents of the inner bowl more uniformly. (See Natt, col. 6, lines 44-48).

To establish a prima facie obviousness, all claim limitations must be taught or suggested by the

prior art. MPEP §2143.03. The Natt patent, however, fails to disclose or suggest a number of aspects of Applicants' independent claims 1 and 14.

The Natt patent fails to disclose or suggest a microwaveable container comprising a single bowl as recited in independent claims 1 and 14. In contrast, the Natt patent is specifically directed to a product having two nested containers of different sizes, in which the food item in the smaller, bowl are poured into the larger bowl. (*See*, Natt, col. 5, lines 24-26).

Further, the Natt patent also fails to disclose or suggest the generally ovular outer wall including two generally curved side walls and two generally straight end walls. Rather, while the Natt patent explains that one bowl can be elliptical in shape, the patent describes and illustrates generally arcuate walls. (*See*, Natt, Figs. 1 and 2).

The Natt patent also does not disclose or suggest a protrusion that extends outward from the generally straight end walls below the lip as recited in independent claims 1 and 14. Rather, the Natt patent describes arcuate or circular walls and a recess to hold smaller, inner containers. (*See*, Natt, col. 4, lines 17-20).

Additionally, with respect to new dependent claims 16-27, the Natt patent does not disclose or suggest the generally-ovular outer wall including a rounded corner joining the generally-ovular outer wall to the generally-ovular bottom, a first generally straight region extending from the rounded corner at a first angle relative to the rounded corner, and a second generally straight region extending from the first bottom region at a second angle relative to the first bottom region. The Natt patent also fails to disclose or suggest the claimed angle attributes. Moreover, the Natt patent does not disclose or suggest a protrusion that provides a space of about 0.1" to about 0.4" between the lips of nested, similar containers. Rather, as previously discussed, the Natt patent is directed to nested containers having arcuate walls of different sizes and does not disclose the claimed outer wall and protrusion limitations. (*See*, Natt, Figs. 1 and 2).

The other cited references do not cure the deficiencies of the Natt patent and have their own deficiencies. For example, the Yamamoto patent, similar to the Natt patent, is also directed to a product having two containers as opposed to a single bowl. Various patents also fail to disclose or suggest the generally ovular outer wall including two generally curved side walls and two generally straight end walls. Further, various patents fail to disclose or suggest a lip extending around the bowl in a generally perpendicular relation to a top of the generally ovular outer wall and a protrusion

extends outward from the generally straight end walls below the lip. *See, e.g.*, Yamamoto, Singleton, Tokunga, Ono, Taniguchi, Otawara, Nishioka, Blackwell.

Accordingly, each of the cited Natt, Yamamoto, Singleton, Tokunga, Ono, Taniguchi, Otawra, Nishioka, Matsuno, and Blackwell references fails to disclose or suggest aspects of Applicants' independent claims 1 and 14. Further, there is no suggestion or motivation to combine selected patents. Merely because references can be combined or modified does not render the resultant combination obvious unless the prior art suggests the desirability of the combination." MPEP §2143.01. For example, there is no suggestion or motivation to combine the Natt or Yamamoto patents, which describe "two container" products, with a reference that is directed to a "single container." Moreover, each of the Natt and Yamamoto patents teaches away from a single bowl or container since both of these patents are expressly directed to a product having two containers or bowls. Further, other references teach away from elements and limitations of various dependent claims. For example, the Natt and Yamamoto patents each teaches away from new claims 20 and 26 that call for nested, similar containers since these references described containers of different sizes.

Based on the forgoing amendments and remarks, the Natt, Yamamoto, Singleton, Tokunga, Ono, Taniguchi, Otawra, Nishioka, Matsuno, and Blackwell references, alone or in combination, do not disclose or suggest all of the limitations of Applicants' independent claims 1 or 14, and there is no motivation or suggestion to combine the references. Thus, Applicants respectfully submit that claims 1 and 14 are allowable over the cited references. Further, Applicants respectfully submit that dependent claims 2-13 and 15, and new dependent claims 16-27, which depend from and incorporate all of the elements and limitations of independent claims 1 and 14, are also allowable since these dependent claims recite further novel and non-obvious limitations. Correspondingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) be withdrawn.

II. CONCLUSION

In view of the foregoing, Applicants respectfully submit that they have disclosed and claimed a novel and unobvious invention distinguishable from the cited references, individually or in combination.

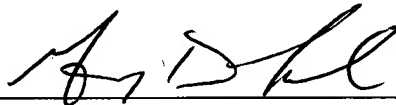
Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues that can be resolved by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,

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By: _____



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